

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 14-184—sHB 5588**

*Judiciary Committee*

**AN ACT CONCERNING BAIL BONDS**

**SUMMARY:** This act makes a number of changes relating to bail bonds in criminal cases, including:

1. allowing a court to extend, for good cause, the required six-month stay of execution on a bond forfeiture order when an accused fails to appear in court;
2. allowing a surety to apply to the court to be released from a bond after a principal absconds; and
3. requiring the court to vacate a bond and release a professional bondsman or surety bail bond agent and insurer upon satisfactory proof that the accused is held by a federal agency or removed by U.S. Immigration and Customs Enforcement (ICE), if the prosecutor does not seek extradition.

The act also makes technical changes.

**EFFECTIVE DATE:** October 1, 2014

**EXTENDING STAY OF FORFEITURE ORDER**

When someone deposits cash or pledges real property equal to the amount of a bond, or a person posts a surety bond of at least \$500, and the accused does not appear in court, the law requires the court to (1) order the bond forfeited and (2) issue a rearrest warrant. The law requires the court to stay execution of the forfeiture for six months and, if the person returns to custody during that period, automatically terminate the bond and release the surety or person who offered cash bail or pledged real property on behalf of the accused.

The act allows the court to extend the stay of execution for good cause and automatically terminates the bond if the person is returned during this extended period.

**ABSCONDING PRINCIPAL**

The law requires a surety to apply to the Superior Court when he or she believes the principal on the bond will abscond, and the court must order the person taken into custody. The principal's surrender discharges the bond. The act allows (1) the surety to apply to the court to be released from a bond after a principal absconds and within six months after a bond forfeiture order and (2) a judge to release a surety for good cause.

**ACCUSED HELD BY FEDERAL AGENCY OR REMOVED BY ICE**

## OLR PUBLIC ACT SUMMARY

By law, the court must vacate a bond forfeiture order and release a professional bondsman or surety bail bond agent and insurer who posted a bond for the accused when the (1) accused is held in another state, territory, or country; (2) bondsman, agent, or insurer provides proof of the accused's detention; and (3) prosecutor does not seek to extradite the accused. The act also requires the court to vacate a bond forfeiture order and release an individual if the (1) bondsman, agent, or insurer provides proof the accused is held by a federal agency or is removed by ICE and (2) prosecutor declines to extradite the accused.

The act specifies that the court must find satisfactory proof that one of these circumstances exists before vacating a bond and releasing a bondsman, agent, or insurer.

OLR Tracking: CR:LH:PF:am